

SECOND REGULAR SESSION

HOUSE BILL NO. 1949

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

4267H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school board candidates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.016, to read as follows:

162.016. 1. For purposes of this section, "candidate" means a person who has filed a declaration of candidacy to be a member or director of a school board in a school district in this state.

2. The school district shall ensure that a criminal background check is conducted on any person who has filed a declaration of candidacy to be a member or director of the school board in such school district. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

3. In order to facilitate the criminal history background check, the candidate shall submit a set of fingerprints collected under standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

4. The candidate shall pay the fee for the state criminal history record information under section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record at the time that he or she files the declaration of candidacy to be a member or director of a school board in a school district.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 The department of elementary and secondary education shall distribute the fees collected
19 for the state and federal criminal histories to the Missouri highway patrol.

20 5. The school district shall report any information discovered through the
21 background check under this section to the department of elementary and secondary
22 education.

23 6. The department of elementary and secondary education shall release to the
24 general public any information received from the school district under subsection 5 of this
25 section unless the release of such information would contravene a court order or any
26 federal, state, or local law.

27 7. Any school official making a report to the department of elementary and
28 secondary education in conformity with this section shall not be subject to civil liability for
29 such action.

30 8. Any official of the department of elementary and secondary education releasing
31 information to the general public in conformity with this section shall not be subject to civil
32 liability for such action.

33 9. The criminal background check under this section shall be completed before the
34 third Tuesday preceding the school board election. The department of elementary and
35 secondary education shall release to the general public any information described under
36 subsection 6 of this section before the second Tuesday preceding the school board election.

37 10. The state board of education may promulgate rules for criminal history
38 background checks conducted under this section. Any rule or portion of a rule, as that
39 term is defined in section 536.010, that is created under the authority delegated in this
40 section shall become effective only if it complies with and is subject to all of the provisions
41 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
42 nonseverable, and if any of the powers vested with the general assembly pursuant to
43 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
44 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2016, shall be invalid and void.

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